

1970

c 131 District Municipality of Muskoka Act

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CHAPTER 131

The District Municipality of Muskoka Act

INTERPRETATION

1.—In this Act,Inter-
pretation

- (a) “area municipality” means the municipality or corporation of the Town of Bracebridge, the Township of Georgian Bay, the Town of Gravenhurst, the Town of Huntsville, the Township of Lake of Bays and the Township of Muskoka Lakes, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the District Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “Department” means the Department of Municipal Affairs;
- (f) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (g) “District Area” means the area from time to time included within the area municipalities;
- (h) “District Corporation” means The District Municipality of Muskoka;
- (i) “District Council” means the council of the District Corporation;
- (j) “district road” means a road forming part of the district road system established under Part IV;
- (k) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (l) “land” includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (*m*) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the District Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (*n*) "local municipality" means in the year 1970 a local municipality and a geographic township in the District Area and the portion of the geographic township of Finlayson included in the District Area;
- (*o*) "Minister" means the Minister of Municipal Affairs;
- (*p*) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 106;
- (*q*) "Municipal Board" means the Ontario Municipal Board. 1970, c. 32, s. 1.

PART I

AREA MUNICIPALITIES

Constitution
of area
municipalities

2.—(1) On the 1st day of January, 1971,

- (*a*) The Corporation of the Town of Bracebridge, The Corporation of the Township of Oakley, The Corporation of the Township of Macaulay and The Corporation of the Township of Draper are amalgamated as a town municipality bearing the name of The Corporation of the Town of Bracebridge and the portions of the Township of Monck, the Township of Muskoka, and the Township of McLean described as follows are annexed to such town:

FIRSTLY, part of the Township of Monck, commencing at the intersection of the northerly boundary of the said Township with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE southeasterly along the said boundary to its intersection with the boundary between the townships of Monck and Muskoka;

THENCE in a general easterly direction along the said boundary through Lake Muskoka and Muskoka River to the southeast corner of the Township of Monck;

THENCE northerly along the easterly boundary of the said Township of the northeast corner of the said Township;

THENCE westerly along the northerly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom that part of the Town of Bracebridge lying within the Corporation Boundary of the said Town;

SECONDLY, part of the Township of Muskoka, commencing at the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka 10 chains from the original high water mark of Lake Muskoka;

THENCE North 15° 41' West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North 74° 19' East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE northerly through Lake Muskoka following the said boundary to its intersection with the boundary between the townships of Muskoka and Monck;

THENCE easterly through Lake Muskoka and Muskoka River following the said boundary between the townships of Muskoka and Monck to the point of commencement;

THIRDLY, part of the Township of McLean commencing at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE southerly along the said westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement;

- (b) The Corporation of the Township of Freeman together with the geographic township of Gibson and the geographic township of Baxter are amalgamated as a township municipality bearing the name of The Corporation of the Township of Georgian Bay;
- (c) The Corporation of the Town of Gravenhurst, The Corporation of the Township of Morrison and The Corporation of the Township of Ryde are amalgamated as a town municipality bearing the name of The Corporation of the Town of Gravenhurst and the portions of the Township of Muskoka and the Township of Wood described as follows are annexed to such town:

FIRSTLY, part of the Township of Muskoka, commencing at the intersection of the easterly boundary of the said Township with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka 10 chains from the original high water mark of Lake Muskoka;

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE southwesterly, northwesterly, and southwesterly following the boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly along the division line between the townships of Muskoka and Wood to the northwest angle of that part of the Township of Muskoka lying west of Lake Muskoka;

THENCE southerly along the westerly boundary of the said Township to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Town of Gravenhurst;

SECONDLY, part of the Township of Wood, commencing at the intersection of the production northerly of the easterly limit of Lot 9 Concession VI with the easterly limit of the Township of Wood (being the centre line of the allowance for road between the townships of Muskoka and Wood);

THENCE southerly along the easterly boundary of the said Township (being the westerly boundary of the Township of Muskoka) to the northerly boundary of the Township of Morrison;

THENCE westerly along the northerly boundary of the Township of Morrison;

THENCE southerly along the westerly boundary of the Township of Morrison to the southeast corner of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood to its intersection with the east limit of Lot 9 in Concession XX, produced southerly;

THENCE northerly to and along the easterly limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI to the point of commencement;

- (d) The Corporation of the Town of Huntsville, The Corporation of the Village of Port Sydney, The Corporation of the Township of Brunel, The Corporation of the Township of Chaffey, The Corporation of the Township of Stisted and The Corporation of the Township of Stephenson are amalgamated as a town municipality bearing the name of The Corporation of the Town of Huntsville;
- (e) The Corporation of the Township of Franklin, The Corporation of the Township of Ridout and the geographic township of Sinclair are amalgamated as a township municipality bearing the name of The Corporation of the Township of Lake of Bays and the portions of the Township of McLean and the geographic township of Finlayson described as follows are annexed to the said Township of Lake of Bays:

FIRSTLY, part of the Township of McLean, commencing at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE northerly along the said westerly boundary to the northwest corner of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement;

SECONDLY, part of the geographic township of Finlayson, commencing at the intersection of the centre line of the original allowance for road between lots 20 and 21 produced northerly with the northerly boundary of the said Township;

THENCE westerly along the said northerly boundary to the northwest corner of the said Township;

THENCE southerly along the westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary to its intersection with the centre line of the original allowance for road between lots 20 and 21 produced southerly;

THENCE northerly to and along the said centre line of the original allowance for road between lots 20 and 21 and its production northerly to the point of commencement;

- (f) The Corporation of the Town of Bala, The Corporation of the Village of Port Carling, The Corporation of the Village of Windermere, The Corporation of the Township of Cardwell and The Corporation of the Township of Watt are amalgamated as a township municipality bearing the name of The Corporation of the Township of Muskoka Lakes and the portions of the Township of Medora and Wood and the Township of Monck described as follows are annexed to such Township:

FIRSTLY, part of The Corporation of the United Townships of Medora and Wood commencing at the northwest corner of the Township of Medora;

THENCE southerly along the westerly boundary of the Township of Medora and the westerly boundary of the Township of Wood and easterly along the southerly boundary of the Township of Wood to its intersection with the production southerly of the easterly limit of the said Lot 9 Concession XX Township of Wood;

THENCE northerly to and along the eastern limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI and its production northerly to its intersection with the easterly limit of the Township of Wood;

THENCE northerly and easterly along the boundary between the townships of Wood and Muskoka to its intersection with the boundary between the townships of Wood and Monck;

THENCE northwesterly along the boundary between the townships of Wood and Monck to its intersection with

the boundary between the townships of Medora and Monck;

THENCE northerly along the boundary between the townships of Medora and Monck to its intersection with the boundary between the townships of Medora and Watt;

THENCE northerly along the boundary between the townships of Medora and Watt to the northeast corner of the Township of Medora;

THENCE westerly along the northerly boundary of the township of Medora to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Village of Port Carling and the Corporation Boundary of the Town of Bala;

SECONDLY, part of the Township of Monck, commencing at the northwest corner of the said Township;

THENCE easterly along the northerly boundary to its intersection with the production northerly of the east limit of Lot 5 Concession XIII;

THENCESoutherly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE northwesterly along the boundary between the townships of Monck and Wood and the boundary between the townships of Monck and Medora to its

intersection with the westerly boundary of the Township of Monck;

THENCE northerly along the said westerly boundary to the point of commencement.

NOTE: *All Bearings are astronomic and are referred to the meridian passing through the northeast corner of the Township of Monck.*

(2) For the purposes of every Act, the amalgamations and annexations provided for in this Part shall be deemed to have been effected by order of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 26th day of June, 1970, pursuant to applications made under sections 14 and 25 of *The Municipal Act*, being chapter 249 of the Revised Statutes of Ontario, 1960, and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers, and "municipalities" in clause a of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed. 1970, c. 32, s. 2, *amended*.

Amalgamations and annexations deemed by Municipal Board orders
R.S.O. 1970, c. 323

R.S.O. 1970, c. 284

3.—(1) The area municipality of the Town of Bracebridge is divided into the following wards:

Wards of area municipalities: Bracebridge

1. Bracebridge Ward — which shall comprise the area of the Town of Bracebridge as it exists on the 1st day of July, 1970.
2. Draper Ward — which shall comprise the area of the Township of Draper as it exists on the 1st day of July, 1970.
3. Macaulay Ward — which shall comprise the area of the Township of Macaulay as it exists on the 1st day of July, 1970.
4. Monck South Ward — which shall comprise part of the Township of Monck being more particularly described as follows:

COMMENCING at the intersection of the northerly boundary of the said Township with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between Concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE southeasterly along the said boundary to its intersection with the boundary between the townships of Monck and Muskoka;

THENCE in a general easterly direction along the said boundary through Lake Muskoka and Muskoka River to the southeast corner of the Township of Monck;

THENCE northerly along the easterly boundary of the said Township to the northeast corner of the said Township;

THENCE westerly along the northerly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Bracebridge Ward.

5. Muskoka North Ward — which shall comprise the part of the Township of Muskoka being more particularly described as follows:

COMMENCING at the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka, 10 chains from the original high water mark of Lake Muskoka;

THENCE North 15° 41' West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North 74° 19' East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South 74° 19' West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North 74° 19' East from the most southerly point of said Heydon Island;

THENCE North 15° 41' West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE northerly through Lake Muskoka following the said boundary to its intersection with the boundary between the townships of Muskoka and Monck;

THENCE easterly through Lake Muskoka and Muskoka River following the said boundary between the townships of Muskoka and Monck to the point of commencement.

6. Oakley Ward — which shall comprise the area of the Township of Oakley as it exists on the 1st day of July, 1970, together with part of the Township of McLean being more particularly described as follows:

COMMENCING at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE southerly along the said westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement.

Georgian
Bay

(2) The area municipality of the Township of Georgian Bay is divided into the following wards:

1. Baxter Ward—which shall comprise the area of the geographic township of Baxter as it exists on the 1st day of July, 1970.
2. Freeman Ward — which shall comprise the area of the Township of Freeman as it exists on the 1st day of July, 1970.
3. Gibson Ward — which shall comprise the area of the geographic township of Gibson as it exists on the 1st day of July, 1970.

Gravenhurst

(3) The area municipality of the Town of Gravenhurst is divided into the following wards:

1. Gravenhurst Ward — which shall comprise the area of the Town of Gravenhurst as it exists on the 1st day of July, 1970.
2. Morrison Ward — which shall comprise the area of the Township of Morrison as it exists on the 1st day of July, 1970.
3. Muskoka South Ward — which shall comprise part of the Township of Muskoka and part of the Township of Wood, being more particularly described as follows:

Part of Township of Muskoka

COMMENCING at the intersection of the easterly boundary of the said Township with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka, 10 chains from the original high water mark of Lake Muskoka;

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE southwesterly, northwesterly and southwesterly following the said boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly along the division line between the townships of Muskoka and Wood to the northwest angle of that part of the Township of Muskoka lying west of Muskoka Lake;

THENCE southerly along the westerly boundary of the said Township to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Gravenhurst Ward;

Part of Township of Wood

COMMENCING at the intersection of the production northerly of the easterly limit of Lot 9 Concession VI with the easterly limit of the Township of Wood (being the centre line of the allowance for road between the townships of Muskoka and Wood);

THENCE southerly along the easterly boundary of the said Township (being the westerly boundary of the Township of Muskoka) to the northerly boundary of the Township of Morrison;

THENCE westerly along the northerly boundary of the Township of Morrison;

THENCE southerly along the westerly boundary of the Township of Morrison to the southeast corner of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood being the centre line of the Severn River to its intersection with the east limit of Lot 9 in Concession XX, produced southerly;

THENCE northerly to and along the easterly limit of Lots 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI to the point of commencement.

4. Ryde Ward — which shall comprise the area of the Township of Ryde as it exists on the 1st day of July, 1970.

Huntsville

(4) The area municipality of the Town of Huntsville is divided into the following wards:

1. Brunel Ward — which shall comprise the area of the Township of Brunel as it exists on the 1st day of July, 1970.
2. Chaffey Ward — which shall comprise the area of the Township of Chaffey as it exists on the 1st day of July, 1970.
3. Huntsville Ward — which shall comprise the area of the Town of Huntsville as it exists on the 1st day of July, 1970.
4. Port Sydney Ward — which shall comprise the area of the Village of Port Sydney as it exists on the 1st day of July, 1970.
5. Stephenson Ward — which shall comprise the area of the Township of Stephenson as it exists on the 1st day of July, 1970.
6. Stisted Ward — which shall comprise the area of the Township of Stisted as it exists on the 1st day of July, 1970.

Lake of Bays

(5) The area municipality of the Township of Lake of Bays is divided into the following wards:

1. Franklin Ward — which shall comprise the area of the Township of Franklin as it exists on the 1st day of July, 1970.
2. McLean Ward — which shall comprise part of the Township of McLean being more particularly described as follows:

COMMENCING at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE northerly along the said westerly boundary to the northwest corner of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement.

3. Ridout Ward — which shall comprise the area of the Township of Ridout as it exists on the 1st day of July, 1970.
4. Sinclair Ward — which shall comprise the area of the geographic township of Sinclair as it exists on the 1st day of July, 1970, and part of the geographic township of Finlayson in the District of Nipissing being more particularly described as follows:

COMMENCING at the intersection of the centre line of the original allowance for road between lots 20 and 21 produced northerly with the northerly boundary of the said township of Finlayson;

THENCE westerly along the said northerly boundary to the northwest corner of the said township of Finlayson;

THENCE southerly along the westerly boundary to the southwest corner of the said township of Finlayson;

THENCE easterly along the southerly boundary to its intersection with the centre line of the original allowance for road between lots 20 and 21 produced southerly;

THENCE northerly to and along the said centre line of the original allowance for road between lots 20 and 21 and its production northerly to the point of commencement.

(6) The area municipality of the Township of Muskoka Lakes is divided into the following wards: Muskoka
Lakes

1. Bala Ward — which shall comprise the area of the Town of Bala as it exists on the 1st day of July, 1970.
2. Cardwell Ward — which shall comprise the area of the Township of Cardwell as it exists on the 1st day of July, 1970.
3. Medora and Wood Ward — which shall comprise part of the Township of Medora and Wood being more particularly described as follows:

COMMENCING at a point on the west boundary of the Township of Medora at its intersection with the production westerly of the centre line of the road allowance between concessions IV and V for the said Township;

THENCE easterly along the centre line of the said road allowance and the production easterly thereof to a point in Lake Joseph measured easterly along the said production being distant 30 chains from its intersection with the production northerly of the division line between lots 16 and 17;

THENCE southeasterly through Lake Joseph along a straight line to a point on the southerly shore of its intersection with the division line between concessions III and IV at the rear of Lot 24;

THENCE easterly along the said division line and its production easterly to the production northerly of the centre line of the road allowance between lots 25 and 26;

THENCESoutherly to and along the centre line of the said road allowance to the centre line of the road allowance and its production southerly between concessions E and F;

THENCE westerly along the centre line of the road allowance between concessions E and F to the east shore of North Bay of Lake Muskoka;

THENCE in a southeasterly direction following the said shore to the most southerly point of Mortimer's Point;

THENCE southeasterly in a straight line through Lake Muskoka to a point on the geographical boundary between the Township of Medora and Wood at its intersection with a line connecting a point on the south shore of East Bay of Lake Muskoka at its intersection with the centre line of the road allowance between lots 15 and 16 Concession V for the Township of Wood with a point on the north shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 in Concession D in the Township of Medora;

THENCE southeasterly along the said connecting line to the shore of East Bay of Lake Muskoka;

THENCE southerly along the centre line of the road allowance between lots 15 and 16 to its intersection with the centre line of the road allowance between concessions IX and X for the said Township of Wood;

THENCE westerly along the centre line of the road allowance between concessions IX and X and the production westerly thereof to its intersection with the western limit for the said Township of Wood;

THENCE northerly along the western limit of the said Township of Wood and the western limit of the said Township of Medora to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within Bala Ward.

4. Monck North Ward — which shall comprise part of the Township of Monck being more particularly described as follows:

COMMENCING at the northwest corner of the said Township;

THENCE easterly along the northerly boundary to its intersection with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE northwesterly along the boundary between the townships of Monck and Wood and the boundary between the townships of Monck and Medora to its intersection with the westerly boundary of the Township of Monck;

THENCE northerly along the said westerly boundary to the point of commencement.

5. Port Carling Ward — which shall comprise the area of the Village of Port Carling as it exists on the 1st day of July, 1970.
6. Medora North Ward — which shall comprise part of the Township of Medora and Wood being more particularly described as follows:

COMMENCING at the northwest angle of the Township of Medora;

THENCE southerly along the westerly limit of the said Township to its intersection with a production westerly of the centre line of the road allowance between concessions IV and V for the said Township;

THENCE easterly along the centre line of the road allowance between concessions IV and V and the production easterly thereof to a point in Lake Joseph, measured easterly along the said production and distant 30 chains from its intersection with the division line between lots 16 and 17 in Concession IV;

THENCE southeasterly through Lake Joseph on a straight line to a point on the southerly shore at its intersection with the division line between concessions III and IV at the rear of Lot 24;

THENCE easterly along the said division line and its production easterly to the production northerly of the centre line of the road allowance between lots 25 and 26;

THENCE southerly to and along the centre line of the road allowance and its production southerly to the centre line of the road allowance between concessions E and F;

THENCE westerly along the centre line of the road allowance between the said concessions E and F to the east shore of North Bay of Lake Muskoka;

THENCE in a southeasterly direction following the said shore to the most southerly point of Mortimer's Point;

THENCE southeasterly in a straight line through Lake Muskoka to a point on the geographical boundary between the Township of Medora and Wood at its intersection with a line connecting a point on the south shore of East Bay of Lake Muskoka at its intersection with the centre line of the road allowance between lots 15 and 16 Concession V for the Township of Wood with a point on the north shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 in Concession D in the Township of Medora;

THENCE in a general northeasterly direction through Lake Muskoka following the geographical boundary between the said Township of Medora and Wood and the boundary between Medora and Monck to its intersection with the north shore of Lake Muskoka being the most southeasterly angle of the boundary of the Village of Port Carling;

THENCE northwesterly, northerly and southeasterly following the boundary of the said Village of Port Carling to a point on the shore of Lake Rosseau at its intersection with the east boundary of the Township of Medora;

THENCE in a general northerly direction through Lake Rosseau following the eastern limit of the said Township of Medora to its intersection with the northerly limit of the said Township;

THENCE westerly along the northerly limit of the said Township to the point of commencement.

7. Watt Ward — which shall comprise the area of the Township of Watt as it exists on the 1st day of July, 1970.
8. Windermere Ward — which shall comprise the area of the Village of Windermere as it exists on the 1st day of July, 1970.
9. Wood South Ward — which shall comprise part of the townships of Medora and Wood being more particularly described as follows:

COMMENCING at a point in the westerly boundary of the Township of Wood at its intersection with the production westerly of the centre line of the road allowance between concessions IX and X of the said Township;

THENCE easterly along the centre line of the said road allowance to the centre line of the road allowance between lots 15 and 16;

THENCE northerly along the centre line of the road allowance between the said lots 15 and 16 to its intersection with the southerly shore of East Bay of Lake Muskoka;

THENCE northwesterly through Lake Muskoka along the straight line connecting the hereinbefore described point on the shore of East Bay with a point on the shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 for the Township of Medora to its intersection with the geographical boundary between the Township of Medora and Wood;

THENCE in a general northeasterly direction, following the geographical boundary between the Township of Medora and Wood through Lake Muskoka to its intersection with the geographical boundary between the townships of Wood and Muskoka;

THENCE northerly along the centre line of the road allowance between the said lots 15 and 16 to its intersection with the southerly shore of East Bay of Lake Muskoka;

THENCE northwesterly through Lake Muskoka along the straight line connecting the hereinbefore described point on the shore of East Bay with a point on the shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 for the Township of Medora, to its intersection with the geographical boundary between the Township of Medora and Wood;

THENCE in a general northeasterly direction, following the geographical boundary between the Township of Medora and Wood through Lake Muskoka to its intersection with the geographical boundary between the townships of Wood and Muskoka;

THENCE southwesterly, northwesterly and southwesterly following the boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly and southerly along the division line between the townships of Muskoka and Wood to the production northerly of Lot 9 Concession VI of the Township of Wood;

THENCE southerly to and along the easterly limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI and its production to its intersection with the southerly boundary of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood to its intersection with the westerly limit of the said Township;

THENCE northerly along the westerly limit of the said Township being the easterly limit of the Township of Baxter and the Township of Gibson to the point of commencement.

NOTE: All Bearings are astronomic and are referred to the meridian passing through the northeast corner of the Township of Monck.

Ward representation on area councils

(7) On and after the 1st day of January, 1971, the council of each area municipality shall be composed of a mayor, who shall be elected by general vote and shall be the head of the council, and such other members elected in the wards in the area municipality as follows:

1. The Town of Bracebridge:

Bracebridge Ward.....	Three members
Draper Ward.....	One member
Macaulay Ward.....	One member
Monck South Ward.....	One member
Muskoka North Ward.....	One member
Oakley Ward.....	One member

2. The Township of Georgian Bay:

Baxter Ward.....	Two members
Freeman Ward.....	Two members
Gibson Ward.....	One member

3. The Town of Gravenhurst:

Gravenhurst Ward.....	Three members
Morrison Ward.....	Two members
Muskoka South Ward.....	Two members
Ryde Ward.....	One member

4. The Town of Huntsville:

Brunel Ward.....	One member
Chaffey Ward.....	Two members
Huntsville Ward.....	Two members
Port Sydney Ward.....	One member
Stephenson Ward.....	One member
Stisted Ward.....	One member

5. The Township of Lake of Bays:

Franklin Ward.....	Two members
McLean Ward.....	One member
Ridout Ward.....	One member
Sinclair Ward.....	One member

6. The Township of Muskoka Lakes:

Bala Ward.....	One member
Cardwell Ward.....	One member
Medora and Wood Ward.....	One member
Monck North Ward.....	One member
Port Carling Ward.....	One member
Medora North Ward.....	One member
Watt Ward.....	One member
Windermere Ward.....	One member
Wood South Ward.....	One member

First
elections
and terms
of office

(8) Elections for the first council of each area municipality shall be held in the year 1970, and the day for polling shall be the 5th day of October and the first councils elected shall hold office for the years 1971 and 1972. 1970, c. 32, s. 3 (1-8).

Idem

(9) For the purposes of the elections of the first councils of the area municipalities,

(a) the Minister shall by order,

(i) fix the days, times and places of nominations and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the election, the preparation of voters' lists, the qualifications of candidates, and

(ii) provide for all such other matters as he considers necessary to hold the elections; and

(b) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act*, being chapter 249 of the Revised Statutes of Ontario, 1960, and are resident in a local municipality or part thereof within the District Area between the 1st day of January, 1970, and the day of the poll are entitled to be entered on the voters' list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled. 1970, c. 32, s. 3 (9), *amended*.

Organiza-
tion com-
mittee in
1970

(10) The members of the council of each area municipality elected in the year 1970 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Expenses
of first
elections

(11) The expenses of the local municipalities for the elections to elect members of the area municipalities in the year 1970 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

No elections,
Port Sydney
and
Windermere

(12) Except as otherwise provided in this Act, no elections for council shall be held in the year 1970 in the villages of Port Sydney and Windermere and the incumbent councils thereof shall continue in office until the 31st day of December, 1970. 1970, c. 32, s. 3 (10-12).

Meetings
of electors
for nomina-
tion of
candidates
and polling
day

4.—(1) In every area municipality,

(a) meetings of electors for the nomination of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second year thereafter on the second Monday preceding the first Monday in December; and

- (b) the day for polling in the year 1972 and in every second year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

(2) The council of every area municipality, before the 1st day of November in the year 1972 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held. Place of nomination meeting

(3) The members of the council of each area municipality and such local boards, commencing with such councils and local boards which take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new council or board is organized. Term of office

(4) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, and the assent of the electors as required therein shall be deemed to have been received. 1970, c. 32, s. 4. Resident voters' list
R.S.O. 1960,
c. 254

PART II

INCORPORATION AND COUNCIL OF DISTRICT AREA

5.—(1) On the 19th day of October, 1970, the inhabitants of the District Area are hereby constituted a body corporate under the name of The District Municipality of Muskoka. District Corporation constituted

(2) The District Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*. Deemed municipality under
R.S.O. 1970,
cc. 118, 323

(3) The District Municipality of Muskoka is for judicial purposes a provisional judicial district. Provisional judicial district

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division. 1970, c. 32, s. 6. Registry and land titles divisions not affected

6.—(1) The powers of the District Corporation shall be exercised by the District Council and, except where otherwise provided, the jurisdiction of the District Council is confined to the District Area. District Council to exercise corporate powers

(2) Except where otherwise provided, the powers of the District Council shall be exercised by by-law. Powers exercised by by-law

(3) A by-law passed by the District Council in the exercise of any of its powers and in good faith shall not be open to question or be quashed, set aside or declared invalid, either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. 1970, c. 32, s. 7. Not to be quashed as unreasonable

Composition
of District
Council

7.—(1) The District Council shall consist of twenty-three members composed of a chairman and,

- (a) in the year 1970, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) three members elected by the council of the area municipality of the Town of Bracebridge as follows,
 - (i) one member elected to such council for Bracebridge Ward,
 - (ii) one member elected to such council for either Monck South Ward or Muskoka North Ward,
 - (iii) one member elected to such council for one of the wards of Draper, Macaulay or Oakley;
- (c) two members elected by the council of the area municipality of the Township of Georgian Bay as follows,
 - (i) one member elected to such council for Baxter Ward,
 - (ii) one member elected to such council for either Freeman Ward or Gibson Ward;
- (d) three members elected by the council of the area municipality of the Town of Gravenhurst as follows,
 - (i) one member elected to such council for Gravenhurst Ward,
 - (ii) one member elected to such council for Muskoka South Ward,
 - (iii) one member elected to such council for either Morrison Ward or Ryde Ward;
- (e) three members elected by the council of the area municipality of the Town of Huntsville as follows,
 - (i) one member elected to such council for Huntsville Ward,
 - (ii) one member elected to such council for Chaffey Ward,
 - (iii) one member elected to such council for one of the wards of Brunel, Port Sydney, Stephenson and Stisted;
- (f) two members elected by the council of the area municipality of the Township of Lake of Bays as follows,
 - (i) one member elected to such council for either Franklin Ward or Sinclair Ward,
 - (ii) one member elected to such council for either Ridout Ward or McLean Ward;
- (g) three members elected by the council of the area municipality of the Township of Muskoka Lakes as follows,

- (i) one member elected to such council for one of the wards of Bala, Port Carling or Windermere,
- (ii) one member elected to such council for one of the wards of Cardwell, Monck North or Watt,
- (iii) one member elected to such council for one of the wards of Medora and Wood, Medora North or Wood South.

(2) In the year 1970, the committee for each area municipality established by subsection 10 of section 3 shall meet on or before the 13th day of October, 1970, and shall elect the number of members to the District Council for such area municipality as provided by subsection 1 and the members so elected shall hold office for the years 1970, 1971 and 1972.

Method of election of District Council in 1970

(3) In the year 1973 and in every second year thereafter, the council of each area municipality shall at its first meeting in each such year elect its members to the District Council. 1970, c. 32, s. 8.

Biennial election of District Council

8.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 19th day of October, 1970, to hold office at pleasure during the years 1970 to 1974 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Appointment of first chairman

(2) At the first meeting of the District Council in the year 1975 and in every second year thereafter at which a quorum is present, the District Council shall organize as a council and elect as chairman one of the members of the District Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

Election of chairman

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

Where chairman member of area council

(4) If, at the first meeting of the District Council in the year 1975 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act. 1970, c. 32, s. 9.

Failure to elect chairman

First
meeting
1970

9.—(1) The first meeting of the District Council in the year 1970 shall be held on or after the 19th day of October, 1970, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the District Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First
meeting
of area
councils

(2) Notwithstanding any general or special Act, the first meeting of the council of each area municipality in the year 1971 and in every second year thereafter shall be held not later than the 8th day of January.

First
meeting of
District
Council

(3) The first meeting of the District Council in the year 1973 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the District Council.

Certificate
of qualifi-
cation

(4) Subject to subsection 5, a person entitled to be a member of the District Council in accordance with section 7, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the District Council that he attends a certificate under the hand of the clerk of the area municipality that he represents and under the seal of such area municipality certifying that he is entitled to be a member under such section.

Idem

(5) A person entitled to be a member of the first District Council in accordance with section 7, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the District Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents certifying that he is entitled to be a member under such section.

Oath of
allegiance,
declaration
of qualifi-
cation

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Declaration
of office
R.S.O. 1970,
c. 284

(7) No business shall be proceeded with at the first meeting of the District Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

When
council
deemed
organized

(8) The District Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 10. 1970, c. 32, s. 10.

Quorum
voting

10.—(1) Twelve members of the District Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

(2) Subject to subsection 3, each member of the District Council has one vote only. One vote

(3) The chairman does not have a vote except in the event of an equality of votes. 1970, c. 32, s. 11. Chairman vote

11.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

(2) Except as provided in subsection 1, when a vacancy occurs in the office of chairman, the District Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the District Council, or any other person, to hold office for the remainder of the term of his predecessor. Idem

(3) If the District Council fails to elect a chairman within twenty days as required by subsection 1, the Minister may appoint a person as chairman to hold office for the remainder of the term of his predecessor. Idem

(4) When a vacancy occurs in the office of a member other than the chairman or the head of the council of an area municipality, the council of the area municipality from which he was elected shall by by-law within thirty days after the vacancy occurs appoint a successor, who is eligible to be elected a member of the District Council, to hold office for the remainder of the term of his predecessor. Other members

(5) Section 145 of *The Municipal Act*, except clauses *f, g* and *h*, applies to the District Council. When seat to become vacant
R.S.O. 1970,
c. 284

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the District Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the District Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. 1970, c. 32, s. 12. Where head of council incapacitated

12. Members of the District Council, including the chairman, may be paid for services performed on and after the 1st day of January, 1971, such annual and other remuneration as the District Council may determine. 1970, c. 32, s. 13. Remuneration

13. The District Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. 1970, c. 32, s. 14. Committees

Procedural
by-laws

14. The District Council may pass by-laws for governing the proceedings of the District Council and any of its committees, the conduct of its members and the calling of meetings. 1970, c. 32, s. 15.

Head of
Council

15.—(1) The chairman is the head of the District Council and is the chief executive officer of the District Corporation.

Chief
adminis-
trative
officer

(2) The District Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the District Corporation and perform such duties as the District Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the District Council; and
- (d) shall receive such salary as the District Council by by-law determines.

Application
of
R.S.O. 1970,
c. 284, s. 238

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2. 1970, c. 32, s. 16.

Acting
chairman

16. When the chairman is absent from the District Area or absent through illness, or refuses to act, the District Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act. 1970, c. 32, s. 17.

Application
of
R.S.O. 1970,
c. 284

17.—(1) Sections 192, 193, 195, 197, 198, 259, 281, 282, 283, 284, 285, 286 and 390 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation.

Idem

(2) Sections 190, 199, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the District Council and to every local board of the District Corporation. 1970, c. 32, s. 18.

Appoint-
ment of
clerk

18.—(1) The District Council shall appoint a clerk, whose duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the District Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;

- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the District Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the District Council.

(2) The District Council may appoint a deputy clerk who shall have all the powers and duties of the clerk. Deputy clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the District Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk. Acting clerk

(4) The chairman appointed under subsection 2 of section 8 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the District Council in the year 1970 and thereafter until the District Council appoints a clerk or an acting clerk under this section. 1970, c. 32, s. 19. Acting clerk, first meeting

19.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the District Corporation made to the District Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the District Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the District Council may fix. Minutes open to inspection

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the District Council that affect land or the use thereof in the District Area but do not directly affect the title to land. Index of by-laws affecting land

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the District Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. 1970, c. 32, s. 20. Copies certified by clerk to be receivable in evidence

20.—(1) The District Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the District Corporation and Appointment of treasurer

preserve and file all accounts of the District Corporation and perform such other duties as may be assigned to him by the District Council.

Deputy
treasurer

(2) The District Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the District Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer. 1970, c. 32, s. 21.

Receipt and
disburse-
ment of
money

21.—(1) The treasurer shall receive and safely keep all money of the District Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the District Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the District Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing of
cheques

(2) Notwithstanding subsection 1, the District Council may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty cash
fund

(3) The District Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

When
member may
be paid

(4) Except where otherwise expressly provided by this Act, a member of the District Council shall not receive any money from the treasurer for any work or service performed or to be performed.

Treasurer's
liability
limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the District Council, unless another disposition of it is expressly provided for by statute. 1970, c. 32, s. 22.

Bank
accounts

22. Subject to subsection 3 of section 21, the treasurer shall,

- (a) open an account or accounts in the name of the District

Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the District Council;

- (b) deposit all money received by him on account of the District Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the District Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 21, the District Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions. 1970, c. 32, s. 23.

23.—(1) The treasurer shall prepare and submit to the District Council, monthly, a statement of the money at the credit of the District Corporation. Monthly statement

(2) Where the treasurer is removed from office or absconds, the District Council shall forthwith give notice to his sureties. 1970, c. 32, s. 24. Notice to sureties

24.—(1) The District Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the District Council and the auditor or auditors so appointed shall audit the accounts and transactions of the District Corporation and of every local board of the District Corporation. Appointment of auditors

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the District Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof. Cost of audit

(3) No person shall be appointed as an auditor of the District Corporation who is or during the preceding year was a member of the District Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the District Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor. Disqualification of auditors

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Department and also such duties as may be required by the District Council or any local board of the District Corporation that do not conflict with the duties prescribed by the Department.

Audit of
accounts
before
payment

(5) The District Council may provide that all accounts shall be audited before payment. 1970, c. 32, s. 25.

Application
of
R.S.O. 1970,
c. 284

25.—(1) Sections 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245 and 250 and paragraphs 63, 64, 65, 66 and 67 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation.

Pensions

(2) Where the District Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the District Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the District Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Idem

(3) Where the District Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

Sick leave
credits

(4) Where the District Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the employee shall be deemed to remain an employee of the municipality or local board thereof until the District Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the District Corporation, whereupon the District Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(5) Where the District Corporation or a local board thereof employs a person theretofore employed by a local municipality or

a local board thereof within the District Area, the District Corporation or local board thereof shall, during the first year of his employment by the District Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

(6) The District Council shall offer to employ every person who, on the 1st day of April, 1970, is employed in any undertaking of any local municipality or local board that is assumed by the District Corporation under this Act. Offer of employment

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1971, of not less than that which he was receiving on the 1st day of April, 1970. Entitlement to salary

(8) The District Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*. Application of R.S.O. 1970, c. 324

(9) The employees of the local municipalities and the local boards thereof within the District Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1970, and continue to be so employed until the 31st day of December, 1970, except employees offered employment by the District Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1971, of not less than that which he was receiving on the 1st day of April, 1970. Offer of employment

(10) Any sick leave credits standing, on the 31st day of December, 1970, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer. Sick leave credits

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed. Holidays

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause. 1970, c. 32, s. 26. Termination of employment

PART III

DISTRICT SEWAGE WORKS

Interpre-
tation**26.**—(1) In this Part,

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) “sewer system” means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) “treatment works” means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) “work” means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

Idem

(2) For the purpose of this Part, a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the District Council. 1970, c. 32, s. 28.

General
powers

27.—(1) For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the District Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the District.

(2) The District Corporation shall not entrust the construction or the control and management of the district sewage works to a public utilities commission. 1970, c. 32, s. 29.

Sewage works utilities commission prohibited

28. The District Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses. 1970, c. 32, s. 30.

Construction, etc., of trunk sewage works

29.—(1) The District Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as district sewage works all treatment works operated for, by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the District Corporation.

Assumption of treatment works

(2) The District Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1971.

Other works

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed.

Idem

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein.

Extension of time

(5) Where the District Corporation assumes a work or watercourse vested in an area municipality or local board,

District liability

- (a) no compensation or damages shall be payable to the area municipality or local board;
- (b) the District Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or watercourse, but nothing in this clause requires the District Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

(6) If the District Corporation fails to make any payment as required by clause b of subsection 5, the area municipality may charge the District Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Default

Settling
of doubts

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final. 1970, c. 32, s. 31.

Existing
agreements

30.—(1) Where any local municipality or a local board thereof within the District Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the District Corporation, the District Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Idem

(2) Where any local municipality or a local board thereof within the District Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the District Corporation, the District Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Termination

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the District Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder. 1970, c. 32, s. 32.

Powers of
area municipalities
restricted

31.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the District Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the District Council.

Idem

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1970, without the approval of the District Council. 1970, c. 32, s. 33.

Regulation
of system

32. The District Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary

and proper to regulate in order to secure to the inhabitants of the District Area an adequate system of sewage and land drainage disposal. 1970, c. 32, s. 34.

33.—(1) Where, in the opinion of the District Council, an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the District Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work, and at any time in respect of the assumption of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the District Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

(2) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom.

(3) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the District Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the District Corporation for the purposes of the area municipality.

(4) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work. 1970, c. 32, s. 35.

34.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a district work or watercourse without the approval of the District Council.

Agreements
with other
municipalities

(2) The District Corporation may enter into a contract with any local, district or regional municipality outside the District Area to receive and dispose of sewage and land drainage from such municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Inspection

(3) Any engineer or other officer of the District Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the district work or watercourse. 1970, c. 32, s. 36.

Standards
for local
systems

35.—(1) The District Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a district work or watercourse, and every area municipality and local board shall conform to such by-laws.

Approval
of local
extensions,
etc.

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a district work or watercourse without the approval of the District Council. 1970, c. 32, s. 37.

Appeals

36. If the council of an area municipality considers itself aggrieved by the refusal of the District Corporation or the District Council,

- (a) to assume as a district work any local work;
- (b) to construct, extend or improve any district work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work; or
- (e) to permit a connection or the continuance of a connection to any district work,

the council may appeal to the Municipal Board, which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final. 1970, c. 32, s. 38.

Special
sewage
service
rates

37.—(1) The District Council may pass by-laws, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any district work or works.

(2) All such charges constitute a debt of the area municipality to the District Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the District Council.

Idem

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 362 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality. 1970, c. 32, s. 39.

Raising of money by area municipality
R.S.O. 1970, c. 284

38. The District Council may contribute money, out of the fund established under subsection 3 of section 104, toward the cost to any area municipality of the separation of sanitary and storm sewers now in existence in the area municipality, the construction of which commenced on or after the 1st day of January, 1970, in such amount as it considers proper, not exceeding 25 per cent of the total cost thereof to the area municipality. 1970, c. 32, s. 40.

Contribution to costs of separation of combined sewers

39. The District Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the District Corporation and the District Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed. 1970, c. 32, s. 41.

Transfer of rights over works assumed

40. Any person authorized by the District Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. 1970, c. 32, s. 42.

Inspection of local works

41. Any works assumed by the District Corporation under section 29, together with any extensions or additions thereto constructed by the District Corporation, may be used by the District Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 34, from any local or district municipality outside the District Area. 1970, c. 32, s. 43.

Use of district works

PART IV

HIGHWAYS

Interpre-
tation**42.** In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "Department" means the Department of Highways;
- (d) "maintenance" includes repair;
- (e) "Minister" means the Minister of Highways;
- (f) "road authority" means a body having jurisdiction and control of a highway. 1970, c. 32, s. 45.

By-laws
establishing
district road
system by
June 30,
1971

43.—(1) The District Council shall pass a by-law establishing a district road system and designating the roads to be included therein as district roads, and such by-law shall be submitted to the Minister not later than the 30th day of June, 1971.

By-law
effective
Jan. 1, 1972

(2) Notwithstanding subsection 10, the by-law passed under subsection 1, as approved by the Lieutenant Governor in Council, shall be effective on the 1st day of January, 1972.

Adding
or removing
roads by
by-law

(3) The District Council may by by-law from time to time add roads to or remove roads from the district road system, including such boundary line roads or portions thereof between the District Area and an adjoining municipality as may be agreed upon between the District Council and the council of the adjoining municipality.

Transfer of
provincial
highway to
District
Corporation

(4) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Department within the District Area to the District Corporation and the highway shall for all purposes be deemed to be part of the district road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Highway Improvement Act*.

R.S.O. 1970,
c. 201Vesting of
roads in
District
Corporation

(5) Every road or part thereof that forms part of the district road system and the jurisdiction and control and the soil and freehold thereof are vested in the District Corporation.

Removal of
roads from
the district
road system

(6) The Lieutenant Governor in Council may remove any road from the district road system.

Roads
removed
from district
road system

(7) Where a road or a part thereof is removed from the district road system, except by reason of it being stopped-up pursuant to section 54, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is

thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the District Corporation in respect of such road.

(8) Notwithstanding subsection 10, where the District Corporation acquires land for the purpose of widening a district road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the district road system.

Status of
land
acquired for
widening
district road

(9) The District Council shall, on or before the 1st day of May, 1977, pass a by-law consolidating all by-laws relating to the district road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Consolidat-
ing by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the District Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council. 1970, c. 32, s. 46.

Approval of
by-laws by
Lieutenant
Governor in
Council

44.—(1) The District Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Plan of
construc-
tion and
maintenance

(2) The District Corporation shall submit a by-law covering the estimated expenditure on the district road system for the calendar year to the Minister for his approval, not later than the 31st day of March of the year in which the expenditure is to be made.

Submission
of by-law
covering
estimated
expenditure

(3) The District Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on the district road system supplementing the by-law submitted under subsection 2.

Supple-
mentary
by-law

(4) No grant shall be made toward work undertaken by the District Corporation that has not been provided for by a by-law duly approved by the Minister. 1970, c. 32, s. 47.

Limit to
grant

45. Where the District Corporation proposes the construction, improvement or alteration of a district road, it shall furnish the Minister with such detailed information as he may require. 1970, c. 32, s. 48.

Information
to Minister

Annual
statement
to Minister

46.—(1) The District Corporation shall annually, and may, with the consent of the Minister at any time during the year, submit to the Minister,

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the person appointed under section 66 that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the treasurer of the District Corporation that the statement of receipts and expenditures is correct; and
- (d) a request for the payment of the grant, authorized by resolution of the District Council.

Payment to
District
Corporation

(2) Upon receipt of the statement, declarations and request and the approval thereof by the proper officer of the Department, the Minister may direct payment to the treasurer of the District Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Advance
payments

(3) Notwithstanding subsection 2 but subject to section 44, the Minister may, in his discretion, direct payment to the District Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

- (a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or
- (b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

Payment for
road
improvement

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the district road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the District Corporation, direct payment to the treasurer of the District Corporation out of the moneys appropriated therefor by the Legislature of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

(5) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. 1970, c. 32, s. 49.

Contribution towards expenditures

47. The roads included in the district road system shall be maintained and kept in repair by the District Corporation, and in all cases the Minister shall determine the amount of expenditure that is properly chargeable to road improvement, and his decision is final. 1970, c. 32, s. 50.

Expenditures for construction, maintenance or repair

48. The District Corporation has, in respect of the roads included in the district road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the district road system, and the District Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the area municipality or municipalities might have done if the roads had not become part of the district road system. 1970, c. 32, s. 51.

Powers over roads in district road system

49.—(1) The District Corporation is not by reason of a road forming part of the district road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the district road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks excepted

R.S.O. 1970, c. 284

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a district road, and the District Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the District Council.

Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a district road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost provided

R.S.O. 1970, c. 255

Area municipalities to conform to requirements and be responsible for damages

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a district road shall conform to any requirements or conditions imposed by the District Council, and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1970 c. 201, s. 97 subs. 4, not to apply

(5) Subsection 4 of section 97 of *The Highway Improvement Act* does not apply to a sidewalk constructed on a district road by the council of a township. 1970, c. 32, s. 52.

Installation of traffic control devices

50.—(1) The District Corporation may construct, install, maintain, or remove any works on a highway, other than a road under the jurisdiction and control of the Department, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the district road system.

Relocation of intersecting roads

(2) The District Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Department, entering or touching upon or giving access to a road in the district road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the District Corporation constructs a new road in lieu of the public road, the District Corporation may close the public road at the point of intersection with the district road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction of storm sewer, etc., on area municipality road

R.S.O. 1970, c. 255

(4) Where the District Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*. 1970, c. 32, s. 53.

Intersection of other roads by district roads

51. Where a district road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the district road to its full width across the road so intersected is a part of the district road system. 1970, c. 32, s. 54.

Dedication of lands abutting regional roads for widening purposes

52. When land abutting on a district road is dedicated for, or apparently for, widening the district road, the land so dedicated is part of the district road and the jurisdiction and control and the soil and freehold thereof is vested in the District Corporation subject to any rights in the soil reserved by the person who dedicated the land. 1970, c. 32, s. 55.

53. The District Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 43 by adding such new roads to the district road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*. 1970, c. 32, s. 56.

New roads

R.S.O. 1970,
c. 284

54. With respect to the roads in the district road system and the regulation of traffic thereon, the District Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways. 1970, c. 32, s. 57.

Powers and
liabilities of
District
CorporationR.S.O. 1970,
cc. 284, 202

55.—(1) The District Council may by by-law prohibit or regulate the placing or erecting of,

- (a) any gasoline pump within 150 feet of any limit of a district road; and
- (b) any sign, notice or advertising device within one-quarter mile of any limit of a district road.

Erection of
gasoline
pump and
advertising
device near
district road

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. 1970, c. 32, s. 58.

Permits

56.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the District Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws
of area
municipi-
palities
regulating
trafficR.S.O. 1970,
c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the District Council, and the District Council may delegate any of its powers in respect of the operation of such devices to an officer of the District Corporation designated in the by-law.

Signal-
light devices

(3) The District Corporation may contribute towards the cost of the erection of signal-light traffic control devices erected by an area municipality.

Contribu-
tion toward
cost of
signal-lights

Traffic
control
within
100 ft. of
district
roads

(4) Subject to *The Highway Traffic Act*, the District Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a district road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. 1970, c. 32, s. 59.

Agreement
for
pedestrian
walks

57. The District Council may by by-law authorize agreements between the District Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. 1970, c. 32, s. 60.

Disputes
as to main-
tenance,
etc., of
bridges and
highways
R.S.O. 1970,
c. 284

58.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the District Area and an adjoining municipality where such bridge or highway is included in the district road system and in the road system of the municipality.

Idem

(2) When there is a difference between the District Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the District Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the District Corporation or the corporation of the municipality.

Hearing by
O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the District Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute towards the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. 1970, c. 32, s. 61.

59. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the district road system. 1970, c. 32, s. 62.

Boundary
bridges
between area
municipalities
R.S.O. 1970,
c. 284

60. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the District Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the district road system. 1970, c. 32, s. 63.

Boundary
bridges be-
tween District
Area and
adjoining
municipality

61.—(1) The District Council has, with respect to all land lying within a distance of 150 feet from any limit of a district road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

Restrictions

R.S.O. 1970,
c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the District Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the District Council prevails to the extent of such conflict. 1970, c. 32, s. 64.

Conflict
with local
by-law

62.—(1) The District Council may by by-law designate any road in the district road system, or any portion thereof, as a controlled-access road.

Controlled-
access
roads

(2) Subject to the approval of the Municipal Board, the District Council may by by-law close any municipal road that intersects or runs into a district controlled-access road.

Closing
municipal
roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the District Corporation within such time as the Municipal Board shall direct.

Notice of
application
for approval
for closing
road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of
O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the District Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Idem

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the District Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the District Corporation as it considers proper and may fix the amount of such costs.

Appeal

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the District Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just. 1970, c. 32, s. 65 (1-8).

Practice
and pro-
cedure on
appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court. 1970, c. 32, s. 65 (9), *amended*.

R.S.O. 1970,
c. 323, s. 95
not to
apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to any appeal under this section. 1970, c. 32, s. 65 (10).

Private
roads, etc.,
opening
upon con-
trolled-
access roads

63.—(1) Subject to the approval of the Municipal Board, the District Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a district controlled-access road.

Notice

(2) The District Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure, or facility constructed or used as a means of access to a

district controlled-access road in contravention of a by-law passed under subsection 1.

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the second day following the mailing thereof. Service of notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the District Council may by resolution direct any officer, employee or agent of the District Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice. Failure to comply with notice

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. Offence

(6) Where a notice given under subsection 2 has been complied with, no compensation in payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a district controlled-access road was constructed or used, as the case may be, Compensation

- (a) before the day on which the by-law designating the road as a district controlled-access road became effective; or
- (b) in compliance with a by-law passed under subsection 1 in which case the making of compensation is subject to any provisions of such by-law. 1970, c. 32, s. 66.

64.—(1) Where the District Corporation adds to the district road system any road in an area municipality, no compensation or damages shall be payable to the area municipality in which it was vested. District liability when road added

(2) Where a road has been added to the district road system by a by-law passed under subsection 3 of section 43, the District Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the District Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. Idem R.S.O. 1970, c. 255

(3) If the District Corporation fails to make any payment as required by subsection 2, the area municipality may charge the District Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

Settling
of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road added to the district road system, the Municipal Board, upon application, may determine the matter and its decision is final. 1970, c. 32, s. 67.

Stopping up
highways

65.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall notify by registered mail the District Corporation of its intention.

Agreement

(2) If the District Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the District Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. 1970, c. 32, s. 68.

Appoint-
ment of
district
roads
engineer
R.S.O. 1970,
c. 366

66. The District Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the district road system. 1970, c. 32, s. 69.

Applica-
tion of
R.S.O. 1970,
c. 202

67. Sections 92, 94, 96, 99 and 102 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the district road system. 1970, c. 32, s. 70.

PART V

PLANNING

Planning
area

R.S.O. 1970,
c. 349

68.—(1) On and after the 1st day of January, 1971, the District Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Muskoka Planning Area.

Designated
muni-
cipality

(2) The District Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Muskoka Planning Area.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the Muskoka Planning Area, together with the boards thereof, are hereby dissolved on the 31st day of December, 1970.

Area muni-
cipalities

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1971, and the council may establish a planning board for the area municipality in accordance with *The Planning Act* otherwise the council shall be the planning board.

(5) Nothing in subsections 3 and 4 affects any official plan in Proviso effect in any part of the District Area.

(6) When the Minister has approved an official plan adopted by the District Council, Effect of official plan

- (a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof R.S.O. 1970, c. 349 then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and
- (b) no official plan of a subsidiary planning area shall be approved that does not conform therewith. 1970, c. 32, s. 72.

69.—(1) The District Council shall investigate and survey Planning duties of District Council the physical, social and economic conditions in relation to the development of the Muskoka Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Muskoka Planning Area, and without limiting the generality of the foregoing it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Muskoka Planning Area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Muskoka Planning Area in determining the solution of problems or matters affecting the development of the Muskoka Planning Area; and
- (c) consult with any local board having jurisdiction within the Muskoka Planning Area.

(2) The District Council, before the 31st day of December, 1974, shall prepare, adopt and forward to the Minister for Official plan approval an official plan for the District Area, and the council of each area municipality shall within two years thereafter adopt and forward to the Minister for approval an official plan for the area municipality.

(3) The District Council shall appoint such planning staff as Planning staff may be considered necessary.

(4) The District Council and the council of any area municipality may each appoint such advisory planning committees as it Advisory committee considers necessary.

(5) Subject to this Part, the District Corporation shall be deemed to be a municipality and the District Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*. District Corporation deemed municipality under

- Idem
R.S.O. 1970,
c. 349
- (6) The District Council shall be deemed to be a county for the purposes of clause *d* of subsection 1 and clause *b* of subsection 3 of section 29 and section 39 of *The Planning Act*.
- Agreements
re plans
of sub-
division
- (7) The District Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.
- Agreements
re special
studies
- (8) The District Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute, for the carrying out of studies relating to the Muskoka Planning Area or any part thereof.
- Delegation
of Minister's
powers
- (9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the District Council any of the Minister's powers of approval under *The Planning Act*.
- Committees
of adjust-
ment
- (10) All committees of adjustment heretofore constituted by the council of a local municipality in the Muskoka Planning Area are hereby dissolved on the 31st day of December, 1970, and the council of each area municipality shall forthwith after the 1st day of January, 1971, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*. 1970, c. 32, s. 73.
- Application
of
R.S.O. 1970,
c. 349
- 70.** Except as provided in this Part, the provisions of *The Planning Act* apply. 1970, c. 32, s. 74.

PART VI

HEALTH AND WELFARE SERVICES

- Liability for
hospitaliza-
tion of
indigents
R.S.O. 1970,
cc. 378, 361
- 71.**—(1) The District Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.
- Existing
liabilities
transferred
- (2) The District Corporation is liable for the hospitalization and burial, after the 31st day of December, 1970, of an indigent person or his dependant who was in hospital on the 31st day of December, 1970, and in respect of whom any local municipality within the District Area was liable because the indigent person was a resident of such local municipality.

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1971. Proviso

(4) The 1971 indigent hospitalization grant payable under section 8 of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality, for the purposes mentioned in such section 8 in the year 1970 and shall be paid to the District Corporation. 1970, c. 32, s. 76. Hospitalization grant 1971 under R.S.O. 1970, c. 293

72. The District Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the District Area and may issue debentures therefor. 1970, c. 32, s. 77. Aid to hospitals

73. On and after the 1st day of January, 1971, the District Area shall continue to be part of the health unit established under *The Public Health Act* known as the Muskoka-Parry Sound Health Unit. 1970, c. 32, s. 78. District Area part of Muskoka-Parry Sound Health Unit R.S.O. 1970, c. 377

74. The representation of the District Area on the board of health of the Muskoka-Parry Sound Health Unit shall comprise one member of the council of each area municipality, who is also a member of the District Council, appointed by the District Council. 1970, c. 32, s. 79. Representation on board of health

75.—(1) For the purposes of the following Acts, the District Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality: District Corporation deemed city under R.S.O. 1970, cc. 21, 270, 422, 491

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

(2) For the purposes of the following Acts, the District Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality: District Corporation deemed county under R.S.O. 1970, cc. 104, 192, 203

1. *The Day Nurseries Act.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.* 1970, c. 32, s. 80.

Liability
respecting
homes for
the aged
R.S.O. 1970,
c. 206

76.—(1) The District Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Application

(2) Section 16 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home except that the authorization and statement in the prescribed forms referred to in clauses *e* and *h* of subsection 1 of such section 16 shall be signed by such person or persons as may be designated by resolution of the District Council. 1970, c. 32, s. 81.

Dissolution
of Board of
Manage-
ment,
district
home vested
in District
Corporation

77.—(1) On the 1st day of January, 1971, the District of Muskoka Homes for the Aged Board of Management is hereby dissolved and all the assets and liabilities thereof, including the home for the aged known as The Pines and all real and personal property used for the purposes of such home are vested in the District Corporation, and no compensation or damages shall be payable to such Board of Management in respect thereof.

Residents of
Nipissing
Home for
the Aged

(2) The District Corporation shall pay to the Board of Management of Nipissing Home for the Aged the cost of maintenance in the Nipissing Home for the Aged, incurred after the 31st day of December, 1970, of every resident of that home who was admitted thereto due to residence in an area that becomes part of any area municipality.

Amount of
maintenance
payment

(3) The amount payable by the District Corporation under subsection 2 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. 1970, c. 32, s. 82.

District
Corporation
deemed
county
under R.S.O.
1970, c. 64

78. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act* and the District Corporation shall be deemed to be a county for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act. 1970, c. 32, s. 83.

Existing
liabilities
transferred
1965, c. 14

79. The District Corporation is liable for the amounts payable on or after the 1st day of January, 1971, by any area municipality under section 88 of *The Child Welfare Act, 1965*, and is entitled to recover the amounts payable to any area municipality on or after that date under that section. 1970, c. 32, s. 84.

Liability
under order
made under
R.S.C. 1952,
c. 160

80. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be deemed to be an order upon the District Corporation, and the sums of money required to be paid under such order shall be paid by the District Corporation and not by the area municipality. 1970, c. 32, s. 85.

81. Every area municipality and every officer or employee thereof shall, at the request of the officers of the District Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. 1970, c. 32, s. 86. Information

82. In the event that there is any doubt as to whether the District Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. 1970, c. 32, s. 87. Adjustments

83. The District Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. 1970, c. 32, s. 88. Grants to approved corporations under R.S.O. 1970, c. 204

PART VII

POLICE

84.—(1) On and after the 1st day of January, 1971, *The Police Act*, except section 68, and sections 345 and 346 of *The Municipal Act* do not apply to any area municipality. Application of R.S.O. 1970, cc. 351, 284

(2) The District Corporation shall be deemed to be a municipality for the purposes of section 68 of *The Police Act*. District Corporation deemed municipality for R.S.O. 1970, c. 351, s. 68

(3) On and after the 9th day of May, 1970, *The Police Act*, except section 68, and sections 345 and 346 of *The Municipal Act* do not apply to the Town of Gravenhurst. 1970, c. 32, s. 90. Application to Town of Gravenhurst

85. All police functions, other than the enforcement of by-laws of the District Council or of the council of any area municipality, shall, on and after the 1st day of January, 1971, be undertaken by the Ontario Provincial Police in the District Area. 1970, c. 32, s. 91. O.P.P. to undertake police functions in District Area

86. All police functions, other than the enforcement of municipal by-laws, shall, on and after the 9th day of May, 1970, be undertaken by the Ontario Provincial Police in the Town of Gravenhurst. 1970, c. 32, s. 92. O.P.P. to undertake police functions in 1970 in Town of Gravenhurst

Liaison
Committee

87. The District Council shall establish a committee of seven persons consisting of the chairman and one representative from the council of each area municipality to be known as the Muskoka District Police Liaison Committee which shall meet at monthly intervals with the representatives of the Ontario Provincial Police to discuss police matters within the District Area. 1970, c. 32, s. 93.

Application
of s. 25

88. The provisions of subsections 9 to 12 of section 25 apply to every member of the police forces of the towns of Bracebridge, Gravenhurst and Huntsville. 1970, c. 32, s. 94.

PART VIII

FINANCES

Interpreta-
tion

89. In this Part,

- (a) "merged area" means any area so designated by the Minister for the purposes of this Part;
- (b) "rateable property" includes business and other assessment made under *The Assessment Act*. 1970, c. 32, s. 96.

R.S.O. 1970
c. 32

Investment
of money not
immediately
required
R.S.O. 1970,
c. 284

90. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the District Corporation. 1970, c. 32, s. 97.

YEARLY ESTIMATES AND LEVIES

Yearly
estimates

91.—(1) The District Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the District Corporation, including the sums required by law to be provided by the District Council for any local board of the District Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

Allowance to
be made in
estimates

(2) In preparing the estimates, the District Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve. 1970, c. 32, s. 98.

Levy on
area muni-
cipalities

92.—(1) The District Council in each year shall levy against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and

- (b) for payment of all debts of the District Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the District Corporation is liable under this Act.

(2) The District Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality. Apportionment

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the District Area, according to the last revised assessment rolls. Idem

(4) The Department shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities. Equalized assessment

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister. When subs. 4 ceases to apply

(6) Upon completion by the Department of the revision and equalization of assessment, the Department shall notify the District Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality. Copy to District Corporation and area municipality

(7) If any area municipality is not satisfied with the assessment as revised and equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Department. Appeal

(8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization. Idem

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Department and has been appealed, the District Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and, Amendment of by-law where necessary following appeal

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the District Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the District Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the District Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed assessments, etc., not to apply

R.S.O. 1970, c. 32

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act* or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Assessment to include valuations on properties for which payments in lieu of taxes paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of district levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

Valuation of properties

(12) The clerk of each area municipality shall transmit to the Department; within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Department shall revise and equalize the valuations, and shall thereupon notify the District Corporation of the revised and equalized valuations.

Levy by-laws

(13) One by-law or several by-laws for making the levies may be passed as the District Council may consider expedient.

District levy
R.S.O. 1970, c. 32

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the district levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the District Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the District Corporation at the times

and in the amounts specified by the by-law of the District Council mentioned in subsection 2.

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. 1970, c. 32, s. 99.

93. In sections 94 and 96,

(a) "commercial assessment" means the total of,

Residential
and commercial
assessment defined

- (i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan, regional or district corporation or local board thereof, and
- (ii) the business assessment, and
- (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 7 of *The Assessment Act*,

R.S.O. 1970,
c. 32

according to the last revised assessment roll;

- (b) "residential assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a. 1970, c. 32, s. 100.

94.—(1) The council of each area municipality shall levy, as provided by this section, the sums adopted for general purposes in accordance with section 307 of *The Municipal Act*, together with a sum equal to the aggregate of the sums required by law to be provided by the council for the District Corporation or any board, commission or other body, but not the sums required to be levied under section 96 of this Act.

Rates

R.S.O. 1970,
c. 284

(2) The Department shall revise and equalize, by the application of the latest equalization factors of the Department, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding.

Equalization
of assess-
ment of
merged areas

Notice

(3) Upon completion by the Department of the revision and equalization of assessment in an area municipality under subsection 4, the Department shall notify the area municipality of the revised and equalized assessment.

Levy on
commercial
assessment

(4) The amount to be raised by an area municipality in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied in accordance with subsection 1 that the commercial assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2.

Levy on
residential
assessment

(5) The amount to be raised by an area municipality in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum levied under subsection 1 that the residential assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 4, reduced by the sum equal to the estimated revenue from payments to be received in that year by the municipality under section 7 of *The Municipal Unconditional Grants Act*.

R.S.O. 1970,
c. 293Apportion-
ment among
merged areas

(6) The sums levied under subsection 1 shall be apportioned among the merged areas of each area municipality in the following manner:

Commercial

1. The amount, as ascertained in accordance with subsection 4, to be raised by the area municipality in each year by levy on the commercial assessment shall be apportioned among the merged areas in the proportion that the total commercial assessment in each merged area bears to the total commercial assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2.

Residential

2. The amount, as ascertained in accordance with subsection 5, to be raised by the area municipality in each year by levy on the residential assessment shall be apportioned among the merged areas in the proportion that the total residential assessment in each merged area bears to the total residential assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2.

Levy on
commercial
assessment
in merged
areas

(7) The council of the area municipality shall levy on the whole of the commercial assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 1 of subsection 6.

(8) The council of the area municipality shall levy on the whole of the residential assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 2 of subsection 6.

Levy on residential assessment in merged areas

(9) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 92. 1970, c. 32, s. 101.

When provisions cease to apply

95.—(1) Notwithstanding section 92, in the year 1971 the District Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the District Area in the year 1970 for general municipal purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 92, and subsections 15 and 16 of section 92 apply to such a levy.

Levy by District Council Before estimates adopted

(2) Notwithstanding section 92, in the year 1972 and in each subsequent year the District Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the District Council in the preceding year against that area municipality and subsections 15 and 16 of section 92 apply to such a levy.

Idem

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 92.

Levy under s. 92 to be reduced

(4) Notwithstanding section 94, until the date determined by the Minister under subsection 5 of section 92, the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy by area municipality before estimates adopted

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 94, until the date determined by the Minister under subsection 5 of section 92 may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by

Business assessment

applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Levy made
under s. 94
to be
reduced

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 94.

Application
of R.S.O.
1970, c. 284
section 303,
subs. 4

(7) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

R.S.O. 1970,
c. 284,
section 303
not to apply

(8) Section 303 of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 92. 1970, c. 32, s. 102.

Rates under
R.S.O. 1970,
c. 430

96.—(1) For the purpose of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 94.

Rates for
public school
purposes on
residential
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 94.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 94.

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 94.

Rates for secondary school purposes on residential assessment

(6) Notwithstanding subsections 2, 3, 4 and 5, where in any year a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act* the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations under R.S.O. 1970, c. 425 to apply

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 92. 1970, c. 32, s. 103.

Application of section

97. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. 1970, c. 32, s. 104.

Transitional adjustments

98.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1971 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1971
R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1970.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll. 1970, c. 32, s. 105.

Idem

ADJUSTMENTS

Interpreta-
tion

99.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
December
31, 1970
to be applied
to support-
ing assess-
ment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1970, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 4, shall be provided for by adjustment of the tax rate in the year 1971.

Idem

(3) The audited surplus or operating deficit of a local roads board or statute labour board at the 31st day of December, 1970, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 4, shall be provided for by adjustment of the tax rate in the year 1971.

Adjustments
may be
spread over
five years by
order

(4) Where, in the opinion of the Minister, the operation of this section would cause substantial hardship to the taxpayers in a particular merged area within any area municipality, he may, by order, provide that the necessary adjustment in the tax rate be made over a period of not more than five years. 1970, c. 32, s. 106.

Arbitration

100.—(1) The Minister may, on or before the 1st day of September, 1970, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of McLean, the Township of Medora and Wood, the Township of Monck and the Township of Muskoka.

Idem

(2) Each committee shall consist of one or more treasurers designated by the Minister representing municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds, and the treasurer of the divided municipality whose assets, liabilities or reserve funds are to be considered, or such other person or persons as the Minister may appoint.

Provisional
determina-
tion

(3) Before the 31st day of December, 1970, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1971.

Final
determina-
tion

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1970, together with determinations of any financial adjustments which may be necessary.

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

Idem

R.S.O. 1970,
c. 284

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Idem

(7) Where, in the opinion of the Minister, any financial settlement arising from the application of this section would cause substantial hardship to the taxpayers of an area municipality, he may, by order, provide that such settlement be made over a period not exceeding five years.

Substantial
hardship

(8) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred. 1970, c. 32, s. 107.

Documents
and records
of divided
municipalities

URBAN SERVICES

101.—(1) In this section,

Interpreta-
tion

- (a) “cost” includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing an urban service, the cost of managing, operating and maintaining such urban service, the cost of any land, buildings and equipment necessary for providing an urban service, and the cost of the issue and sale of debentures for an urban service and any discount allowed to the purchasers of them;
- (b) “urban service” means,
- (i) the collection and disposal of sewage and land drainage,
 - (ii) the collection and removal of ashes or garbage or other refuse,

- (iii) street lighting, or
- (iv) the provision and distribution of an adequate supply of water.

Areas of
urban
service

(2) The council of each area municipality shall, with the approval of the Municipal Board, by by-law designate the areas in which an urban service is or is to be provided by the area municipality.

Levy in
areas

R.S.O. 1970,
cc. 255, 284

(3) The aggregate amount of the sums necessary in each year to pay the cost of an urban service in a designated area, including the area municipalities' portion of all debenture charges for works constructed under *The Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with such urban service, except to the extent that such cost is raised by special assessments, under any general or special Act, or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all rateable property in the designated area and no part of the cost of providing such urban service shall be levied on any part of the area municipality lying outside the designated area. 1970, c. 32, s. 108.

RESERVE FUNDS

Reserve
funds of
municipal-
ities

102.—(1) Reserve funds established by local municipalities for purposes for which the District Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the District Corporation and the assets of such reserve funds are vested in the District Corporation.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the District Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part, and the assets of such reserve funds are vested in such area municipality. 1970, c. 32, s. 109.

Reserve
funds,
establish-
ment, etc.

103.—(1) The District Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the District Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Investments
and income

R.S.O. 1970,
c. 470

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

(3) The moneys raised for a reserve fund established under subsection 1 shall not, without the approval of the Department, be expended, pledged or applied to any purpose other than that for which the fund was established.

Expenditure
of reserve
fund moneys

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1. 1970, c. 32, s. 110.

Auditor to
report on
reserve
funds

104.—(1) The District Council shall establish and maintain a planning fund.

Planning
fund

(2) The moneys in the fund established under subsection 1 may be used only to defray the costs of the District Council in exercising its powers under Part V.

Purpose of
fund

(3) The District Council shall establish and maintain a pollution control fund and shall contribute to such fund, in each year, the sum equivalent to a sum calculated at one quarter of one mill in the dollar upon the total assessment upon which the district levy is apportioned in that year among the area municipalities under subsection 3 of section 92.

Pollution
control fund

(4) The moneys in the fund established under subsection 3 may be used only to defray the costs of the District Council in exercising its powers under Part III and for pollution control measures undertaken in the District Area, which measures are in addition to the normal pollution control measures being undertaken by the Muskoka-Parry Sound Health Unit.

Purpose of
fund

(5) None of the costs of the District Council in exercising its powers under Part III shall form part of the levy under section 92 except as provided in subsection 4.

Cost of
District
Council
under
Part III

(6) The moneys raised for each of the funds established under this section shall be paid into special accounts and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys for each fund form part of that fund.

Investments
and income

R.S.O. 1970,
c. 470

(7) The moneys raised for each fund established under this section shall not, without the approval of the Department, be expended, pledged or applied to any purpose other than that for which the fund was established.

Expenditure
of fund
moneys

(8) The auditor in his annual report shall report on the activities and position of each fund established under this section in the form prescribed by the Department. 1970, c. 32, s. 111.

Auditor to
report on
funds

SPECIAL PROVINCIAL ASSISTANCE

105. The following contributions, in each of the years 1971, 1972, 1973, 1974 and 1975, to the expenditures of the District Corporation shall be paid out of the Consolidated Revenue Fund,

Special
contributions

- (a) an amount of \$150,000, to be known as the Environmental Development Grant, of which \$50,000 shall be paid into the fund established under subsection 1 of section 104 and \$100,000 into the fund established under subsection 3 of section 104; and
- (b) an amount of \$50,000 to defray part of the cost of administrative expenditures of the District Council. 1970, c. 32, s. 112.

TEMPORARY LOANS

Current
borrowings

106.—(1) The District Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the District Council may consider necessary to meet, until the levies are received, the current expenditures of the District Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the District Corporation and the sums required by law to be provided by the District Council for any local board of the District Corporation.

Limit upon
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the District Corporation as set forth in the estimates adopted for the year.

Temporary
application
of estimates
of preceding
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the District Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1971 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

Protection of
lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution
of
promissory
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the District Corporation and signed by the chairman or by some other person authorized by by-law to sign it and by the treasurer and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation of
charge

(6) The District Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or

any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the District Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and treasurer. Execution of agreements

(8) If the District Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years. Penalties for excess borrowings

(9) If the District Council authorizes the application of any revenues of the District Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for misapplication of revenues by District Council

(10) If any member of the District Council or officer of the District Corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for misapplication of revenues by officials

(11) Subsections 8, 9 and 10 do not apply to the District Council or any member of the District Council or officer of the District Corporation acting under an order or direction issued or made under the authority of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the District Corporation is made with the consent of the lender in whose favour a charge exists. 1970, c. 32, s. 113. Saving as to penalties
R.S.O. 1970, c. 118

DEBT

107.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the District Council may borrow money for the purposes of, Debt
R.S.O. 1970, c. 323

- (a) the District Corporation;
- (b) any area municipality; and
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the District Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the District Council under the authority of this Act are direct, joint and several obligations of the District Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the District Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1970, power to issue debentures. 1970, c. 32, s. 114 (1-3).

Uncompleted works

(4) When an area municipality, prior to the 31st day of December, 1970,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*, being chapter 274 of the Revised Statutes of Ontario, 1960; and
- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the District Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the District Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 110, and no further approval of the Municipal Board is required. 1970, c. 32, s. 114 (4), *amended*.

Bonds,
debentures,
etc., trustee
investments
R.S.O. 1970,
c. 470

(5) Bonds, debentures and other evidences of indebtedness of the District Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*. 1970, c. 32, s. 114 (5).

Power to
incur debt
or issue
debentures
R.S.O. 1970,
c. 323

108.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the District Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 107 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the District Area.

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the

District Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the District Council has been obtained.

(3) Nothing in subsection 2 requires the assent of any electors Proviso where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*. 1970, c. 32, s. 115.

109.—(1) Notwithstanding any general or special Act, the Hearing Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the District Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter.

(2) Notice of the hearing shall be given to the clerk of the Notice District Corporation and to the clerk of each area municipality in such manner as the Municipal Board may direct.

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation. Dispensation with hearing

(4) The Municipal Board may direct that an applicant give, by Idem registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the District Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing. 1970, c. 32, s. 116.

110.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for its purposes, the District Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan. Borrowing pending issue and sale of debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for the purposes of an area municipality, the District Council pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request Idem

of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Interest on
proceeds
transferred

(3) The District Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 122, shall be transferred to the area municipality.

Hypotheca-
tion not to
prevent sub-
sequent sale
of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. 1970, c. 32, s. 117.

Principal
and interest
payments

111.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When debentures to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy
against area
municipali-
ties

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the District Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Levy by
area muni-
cipalities

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the District Corporation.

Levies a
debt

(8) The District Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa* and where any debentures issued under the by-law have been sold, pledged or hypothecated by the District Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

By-law to
change mode
of issuing
debentures

(9) All the debentures shall be issued at one time and within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the District Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Debentures
when to be
dated and
issued

(10) All the debentures shall bear the same date, except where they are issued in sets in which case every debenture of the same set shall bear the same date.

Date of
debentures

(11) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Idem

(12) The Municipal Board, on the application of the District Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Extension of
time for
issue

Application
after time
expired

(13) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective
date

(14) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consolida-
tion

(15) Notwithstanding any general or special Act, the District Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consolidat-
ing
debenture
by-laws
R.S.O. 1970,
c. 284

(16) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the District Corporation.

Redemption
before
maturity

(17) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the District Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption, and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the District Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.

6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the District Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the District Council in respect of the debenture so redeemed.

(18) The by-law may provide that the debentures to be issued Currency thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain.

(19) Where, under the provisions of the by-law, debentures Annual rates issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the District Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(20) When sinking fund debentures are issued, the amount of Principal levies principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding $3\frac{1}{2}$ per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(21) When sinking fund debentures are issued, the sinking Consolidated bank accounts fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the District Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(22) When sinking fund debentures are issued, there shall be a Sinking fund committee sinking fund committee that shall be composed of the treasurer of the District Corporation and two members appointed by the

Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the District Corporation, such annual remuneration as the Lieutenant Governor in Council may determine.

Alternate members

(23) The Lieutenant Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman

(24) The treasurer of the District Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the District Corporation shall determine, and in other respects the provisions of section 233 of *The Municipality Act* apply with respect to such security.

R.S.O. 1970,
c. 284

Quorum

(26) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of
sinking fund
assets

(27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

Withdrawals
from bank
accounts

(28) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Investments

(29) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Idem

(30) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1970,
c. 470

- (a) in securities in which a trustee may invest under *The Trustee Act*;
- (b) in debentures of the District Corporation;
- (c) in temporary advances to the District Corporation pending the issue and sale of any debentures of the District Corporation;

- (d) in temporary loans to the District Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario. Deposit of securities with Treasurer of Ontario

(32) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 31 only upon the direction in writing of the sinking fund committee. Release of securities by Treasurer of Ontario

(33) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account. Sinking fund accounts

(34) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by, Earnings credited to sinking fund account

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 20 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

- (b) dividing the product obtained under clause a by the amount of all capitalized interest for that year under subsection 20 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause a.

(35) The treasurer of the District Corporation shall prepare and lay before the District Council in each year, before the annual district levies are made, a statement showing the sums that the District Council will be required, by by-law, to raise for sinking funds in that year. Sinking fund requirements

(36) If the treasurer of the District Corporation contravenes subsection 21 or 35, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. Offence

(37) If the District Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the District Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. Failure to levy

Where
amount in
sinking fund
account
more than
sufficient
to pay debt

(38) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the District Council or the council of an area municipality, may authorize the District Council or the council of an area municipality reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion
of sinking
funds

(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the District Corporation or otherwise than is provided in this section.

Surplus

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the District Corporation or of an area municipality,
 - (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the District Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the District Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the District Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40. 1970, c. 32, s. 118.

112.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the District Council to pass a by-law to amend such by-law so as to provide for,

When rate of interest may be varied

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 110 shall not constitute a sale or other disposal thereof.

Hypothecation not a sale under this section

(3) The District Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the District Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the District Council. 1970, c. 32, s. 119.

Special assessment and levies

113.—(1) Where part only of a sum of money provided for by a by-law has been raised, the District Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

Repeal of by-law when part only of money to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. 1970, c. 32, s. 120.

When to take effect

Until debt
paid certain
by-laws
cannot be
repealed

114.—(1) Subject to section 113, after a debt has been contracted under a by-law, the District Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually and shall not apply to any other purpose any money of the District Corporation that has been directed to be applied to such payment.

Application
of payments

(2) When the District Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. 1970, c. 32, s. 121.

Offence for
neglect of
officer to
carry out
by-law

115. Any officer of the District Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the District Corporation who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. 1970, c. 32, s. 122.

Money
by-laws
may be
registered

116.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the District Corporation, in the Registry Office for the Registry Division of the Judicial District.

Application
to quash
registered
by-law,
when to be
made

R.S.O. 1970,
cc. 323, 136,
255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be.

Time when
by-law to be
valid and
binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Quashing
part of
by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Dismissal of
application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 108 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 111 have not been substantially complied with.

Illegal by-
laws not
validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. 1970, c. 32, s. 123.

Failure to
register

117.—(1) A debenture or other like instrument shall be sealed with the seal of the District Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman or by some other person authorized by by-law of the District Corporation to sign it, and by the treasurer.

Debentures,
how sealed
and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the District Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Interest
coupons

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the District Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Mechanical
reproduction
of signatures

(4) The seal of the District Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign

Effect of
mechanical
reproduction

the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the District Corporation.

Sufficiency
of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the District Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. 1970, c. 32, s. 124.

Debentures
on which
payment has
been made
for one year
to be valid

118. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the District Corporation, the by-law and the debentures issued under it are valid and binding upon the District Corporation. 1970, c. 32, s. 125.

Mode of
transfer may
be prescribed

119.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of

the treasurer (or such other person so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Require-
ments as to
endorsing
certificate of
ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors. 1970, c. 32, s. 126.

Transfer by
entry in
Debenture
Registry
Book

120. Where a debenture is defaced, lost or destroyed, the District Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. 1970, c. 32, s. 127.

Replacement
of lost
debentures

121.—(1) On request of the holder of any debenture issued by the District Corporation, the treasurer of the District Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of
debentures

(2) On the request of the sinking fund committee, the treasurer of the District Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the District Corporation.

On request
of sinking
fund
committee

(3) Any new debentures mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New debentures of same
force and
effect as
debentures
surrendered

(4) The treasurer and auditor of the District Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. 1970, c. 32, s. 128.

Debentures
surrendered
for exchange
to be
cancelled

122.—(1) The moneys received by the District Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Application
of proceeds
of debentures

(2) None of the moneys received by the District Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the District Corporation or an area municipality.

Idem

Surplus

(3) Where, on the sale of any debenture, an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the District Corporation, to redeem one or more of the debentures having the latest maturity date;
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where, on the sale of any debentures, a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. 1970, c. 32 s. 129.

Use of
proceeds of
sale of
assets ac-
quired from
proceeds of
sale of
debentures

123. Where real or personal property acquired out of moneys received by the District Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 122 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold. 1970, c. 32, s. 130.

Tenders for
debentures

124. When the District Corporation intends to borrow money on debentures under this or any other Act, the District Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. 1970, c. 32, s. 131.

125.—(1) The District Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Accounts,
how to be
kept

(2) The District Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provisions has been made to meet the interest upon every debt. 1970, c. 32, s. 132.

Consolidated
interest
account

126. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal. 1970, c. 32, s. 133.

Application
of surplus
money

127.—(1) If the District Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Liability of
members

(2) If the District Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the District Area.

Action by
ratepayer

(3) The members who vote for such application are disqualified from holding any municipal office for two years. 1970, c. 32, s. 134.

Disqualifi-
cation

128. When, by or under the authority of this Act, the District Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the District Corporation may, with the approval of the Municipal Board,

Refinancing
of debentures

- (a) cancel all such debentures that have not been sold and issue new debentures of the District Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the District Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the District Corporation to raise the money required to complete such purchase. 1970, c. 32, s. 135.

Disposal
of assets

129. After the 15th day of May in the year 1970, no local municipality shall, without the approval of the Ontario Municipal Board, dispose of any asset purchased at a cost of, or valued at, more than \$5,000. 1970, c. 32, s. 136.

PART IX

GENERAL

Application
of
R.S.O. 1970,
c. 284

130.—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 249 and 254 and paragraphs 3 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation, and, for the purposes of section 394 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality.

Exceptions

(2) Sections 10 and 11, and, subject to subsection 2 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the District Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Nuisances

(3) The District Corporation shall be deemed to be a local municipality for the purpose of paragraph 120 of subsection 1 of section 354 of *The Municipal Act*.

Delegation
of approval
and
consents

(4) Notwithstanding any other provision in this Act, the District Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 1 of section 34, subsection 2 of section 35 and subsection 2 of section 49 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

(5) For the purposes of *The Construction Safety Act*, the District Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed
county for
R.S.O. 1970,
c. 81

(6) Every by-law of a local municipality as it exists on the 31st day of December, 1970, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1971, until repealed by the council of an area municipality as it affects such area municipality. 1970, c. 32, s. 138.

By-laws to
remain in
force

131.—(1) The District Council may pass by-laws,

Emergency
measures
and civil
defence

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the District Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the District Area,

and when a by-law passed under this subsection is in force in the District Area any by-laws passed by the council of an area municipality under subclauses ii and iii of clause b of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970
c. 284

(2) When a by-law passed under clause a of subsection 1 is in force, the District Council may pass by-laws,

Powers of
District
Council

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof, to be in charge of such departments or utilities throughout the District Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;
- (d) for acquiring alternative headquarters for the District Government outside the District Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and

R.S.C. 1952,
c. 288
R.S.O. 1970,
c. 145

- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack. 1970, c. 32, s. 139.

Expenditures for diffusing information

132. The District Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the district municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years. 1970, c. 32, s. 140.

Grants to persons engaged in work advantageous to District Area

133. The District Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the district levy is apportioned in that year among the area municipalities under subsection 3 of section 92, to institutions, associations and persons carrying on or engaged in works that in the opinion of the District Council are for the general advantage of the inhabitants of the District Area and for which grant or grants there is no express authority provided by any other Act. 1970, c. 32, s. 141.

Payment of damages to employees
R.S.O. 1970, c. 506

134. Where, in an action or by the settlement of a claim arising out of an injury to an employee or to any person deemed an employee for the purposes of *The Workmen's Compensation Act*, the District Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants, upon such terms and conditions as the District Corporation may impose. 1970, c. 32, s. 142.

Investigation by judge of charges of malfeasance

135.—(1) Where the District Council passes a resolution requesting a judge of the district court within the District Area or a judge of the county court or district court of a county or district adjoining the District Area to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the District Council, or an officer or employee of the District Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the District Corporation, or to inquire into or concerning any matter connected with the good government of the District Corporation or the conduct of any part of its public business, including any business conducted by a local board of the District Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*, and he shall with all convenient speed report to the District Council the result of the inquiry and the evidence taken.

R.S.O. 1970, c. 379

(2) The judge shall be paid by the District Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable to judge
R.S.O. 1970, c. 228

(3) The District Council may engage and pay counsel to represent the District Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the District Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the District Corporation shall pay the costs thereof. 1970, c. 32, s. 143.

Idem

136.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the District Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*.

Commission of inquiry

R.S.O. 1970, c. 379

(2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than one-third of the members of the District Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

When commission may issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the District Corporation and the Province of Ontario as the Lieutenant Governor in Council may direct. 1970, c. 32, s. 144.

Expenses of commission

137. The District Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. 1970, c. 32, s. 145.

Entry on highways

138. The District Corporation and any area municipality may enter into agreements for the use within any part of the District Area of the services of their respective officers, employees and equipment. 1970, c. 32, s. 146.

Agreements re services

Application
of R.S.O. 1970,
c. 32

139.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the District Corporation shall be deemed to be a municipality.

District
Corporation
and area
municipali-
ties not
deemed
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the District Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the District Corporation or another area municipality, the occupant shall not be deemed to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpre-
tation

(3) In subsection 2, “District Corporation” and “area municipality” include a local board thereof. 1970, c. 32, s. 147.

Executions
against
District
Corporation

140.—(1) An execution against the District Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the District Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the District Council for general purposes are apportioned among the area municipalities determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rates will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the District Corporation has neglected to

satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.

5. If at any time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs The District Municipality of Muskoka" (Adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them. 1970, c. 32, s. 148.

Functions of clerk, etc.

141. In the event of any doubt as to whether any particular asset or liability is vested in the District Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power. 1970, c. 32, s. 149.

Settling of doubts

R.S.O. 1970, c. 323

142. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the intent and purposes of this Act. 1970, c. 32, s. 150.

Conditional powers

143. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. 1970, c. 32, s. 151.

Conflict with other Acts

Municipal
buildings

144.—(1) The District Corporation or an area municipality or the District Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the District Corporation or the District Corporation and one or more area municipalities or any local board thereof.

Application
of
R.S.O. 1970,
c. 284

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. 1970, c. 32, s. 152.

District
Fire Co-
ordinator

145. The District Corporation shall appoint a District Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the District Area and the District Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. 1970, c. 32, s. 153.

Recreation
and parks
manage-
ment boards

146. The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*. 1970, c. 32, s. 154.

R.S.O. 1970,
cc. 111, 73

Deemed
municipality
under
R.S.O. 1970,
c. 284, s. 352
par. 9

Deemed
regional
municipality
R.S.O. 1970,
cc. 461, 78

147.—(1) The District Corporation shall be deemed to be a local municipality for the purposes of paragraph 9 of section 352 of *The Municipal Act*.

(2) The District Corporation shall be deemed to be a regional municipality for the purposes of *The Tile Drainage Act* and *The Conservation Authorities Act*. 1970, c. 32, s. 155.

Bracebridge,
Gravenhurst
and
Huntsville
deemed
townships

148.—(1) The area municipalities of Bracebridge, Gravenhurst and Huntsville shall be deemed to be townships for the purposes of paragraphs 1, 2, 3 and 4 of section 376 of *The Municipal Act*.

Application
of
R.S.O. 1970,
c. 284, s. 244
in 1970

(2) The provisions of section 244 of *The Municipal Act* do not apply in the year 1970 to any local municipality in the District Area. 1970, c. 32, s. 156.

Interpre-
tation

149.—(1) In this section, "waste" includes ashes, garbage, refuse and domestic or industrial waste of any kind.

(2) Where an area municipality has requested the District Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the District Corporation and the area municipality may enter into an agreement for the use and operation of such facilities. Agreement

(3) For the purposes of an agreement under subsection 2, the District Corporation may acquire and use land within the District Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste. Waste disposal sites

(4) A by-law passed under paragraph 116 of subsection 1 of section 354 of *The Municipal Act* does not apply to the District Corporation. Application of land use control by-law

(5) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. 1970, c. 32, s. 157. Acquisition of land for waste disposal

150.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the areas in the District Area that, on the 31st day of December, 1970, formed part of a town, village or township municipality shall be deemed to continue to form part of a town, village or township municipality. Existing speed limits continued
R.S.O. 1970, c. 202

(2) Notwithstanding subsection 1, the District Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control. 1970, c. 32, s. 158 (1, 2). By-laws of District Council and area councils

(3) Every by-law passed by the council of a municipality under any provision of section 59 of *The Highway Traffic Act*, being chapter 172 of the Revised Statutes of Ontario, 1960, that applied, on the 31st day of December 1970, to any highway or portion thereof within the District Area shall continue to apply thereto until a by-law passed by the District Council or the council of an area municipality under section 82 of *The Highway Traffic Act* applies thereto. 1970, c. 32, s. 158 (3), *amended*. Existing by-laws under s. 59 of R.S.O. 1960, c. 172, continued
R.S.O. 1970, c. 202

151. The lands in the Township of Muskoka more particularly described as follows: Gravel pit vested in Town of Gravenhurst
 COMMENCING at the southeast angle of Lot 4 Concession X, Township of Muskoka, District of Muskoka.

THENCE westerly along the southerly boundary a distance of 300 feet to a point east of a road known as the Switch Road;

THENCE northerly following the easterly limit of the said Switch Road a distance of 150 feet;

THENCE northeasterly in a direct line for a distance of 500 feet more or less to a point in the easterly limit of the said Lot 4 that is distant northerly thereon 575 feet from the southeasterly angle thereof;

THENCE southerly following the easterly limit of the said Lot a distance of 575 feet to the point of commencement,

are hereby, on the 1st day of January, 1971, vested in the Town of Gravenhurst without payment of compensation, and the clerk of the Town of Gravenhurst shall forthwith after this section comes into force file a copy of this section in the appropriate registry or land titles office. 1970, c. 32, s. 159.

Application
of
R.S.O. 1970,
c. 354, s. 111

152.—(1) On and after the 1st day of January, 1971, no area municipality shall be required to comply with section 111 of *The Power Commission Act*.

Powers of
utilities
commissions
transferred
to area
municipality
or District
Corporation

(2) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the District Area are continued for the year 1971 as local boards of the area municipality in which they have jurisdiction, and the powers and duties of every such public utility commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1971, powers and duties of an area municipality or the District Corporation as required by this Act.

Distribution
of electrical
power

(3) Where, on the 31st day of December, 1970, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the District Area, such commission shall continue until the 1st day of January, 1972, to distribute and sell power within such area.

Members of
commissions
continued
in office

(4) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex-officio* members, who hold office when this section comes into force, shall continue to hold office until the 1st day of January, 1972, and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Commissions
dissolved

(5) All public utilities commissions and waterworks commissions within the District Area except those referred to in subsection 2 are hereby dissolved on the 1st day of January, 1971, and no

area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission. 1970, c. 32, s. 160.

153.—(1) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act*, being chapter 362 of The Revised Statutes of Ontario, 1960, Election R.S.O. 1960, c. 362

- (a) the polling day for the members of the Muskoka Board of Education in the year 1970 shall be the 5th day of October, and the hours of polling shall be the same as for the municipal elections in the District Area; and
- (b) the Minister shall by order fix the days, times and places for the nomination of candidates for the Muskoka Board of Education in the year 1970 and provide for the holding of the nomination meetings,

and otherwise the provisions of such Act apply.

(2) Notwithstanding section 92 of such Act, any reference in such section to the 1st day of September shall be deemed to be a reference to the 1st day of August, and, subject to subsection 1, all other dates in such section shall be advanced by thirty days. 1970, c. 32, s. 161, *amended*. Determinations and appeals, etc.

154.—(1) Every local roads board and statute labour board that has jurisdiction in the District Area is dissolved on the 1st day of January, 1971, and all the assets and liabilities of such board become on such date assets and liabilities of the area municipality in which such board had jurisdiction. Roads boards, etc., dissolved

(2) All taxes and penalties assessed by a local roads board or statute labour board against any land which are due and unpaid on the 1st day of January, 1971, shall be deemed on such date to be taxes and penalties due and payable upon such land to the area municipality in which such land is situate, and the collector of the area municipality shall enter such taxes and penalties in the collector's roll and may collect them in the same manner as if such taxes had been levied and penalties imposed by the area municipality, and the collector shall forthwith notify the owner or his agent as shown on the register of such board that the taxes and penalties are due and payable to the area municipality. Taxes and penalties

(3) All moneys standing to the credit of a local roads board under section 31 of *The Local Roads Boards Act, 1964*, in relation to tax moneys received by the secretary-treasurer of the board up to the 1st day of January, 1971, shall be paid over by the Treasurer of Ontario to the area municipality in which the local roads board had jurisdiction. 1970, c. 32, s. 162. Credits of local roads boards, etc. 1964, c. 56

Expenditures

155. The expenditures of the District Corporation during the year 1970, as approved by the Department, shall be paid out of the Consolidated Revenue Fund. 1970, c. 32, s. 163.

FORM 1

(Section 9 (6))

OATH OF ALLEGIANCE

I,....., having been elected (or appointed) as chairman of the council of The District Municipality of Muskoka, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

1970, c. 32, Form 1.

FORM 2

(Section 9 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,....., having been elected (or appointed) as chairman of the council of The District Municipality of Muskoka, declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of twenty-one years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The District Municipality of Muskoka or any local board thereof or any area municipality or local board thereof.
5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

1970, c. 32, Form 2.
